

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 8, 2013

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Ref. No.: GLS-5676

HAWAII

Term Extension for Grant of Easement No. S-5676, United States Department of the Interior, National Park Service, Kaloko-Honokohau National Historical Park (KHNHP) for Sewer Easement Purposes, Kealakehe, North Kona, Hawaii, Tax Map Key: 3rd/ 7-4-008: portion of 003.

APPLICANT:

United States Department of the Interior, National Park Service, Kaloko-Honokohau National Historical Park (KHNHP).

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kealakehe, North Kona, Hawaii, identified by Tax Map Key: (3) 7-4-008: portion of 003, as shown on the attached map labeled Exhibit A.

AREA:

.1846 acres or 8,040 square feet, more or less.

ZONING:

State Land Use District:	Urban
County of Hawaii CZO:	Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES _____ NO x

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 4334, to the Division of Boating and Ocean Recreation, for Small Boat Harbor and related purposes.

Grant of Easement No. S-5676, to the United States Department of the Interior, National Park Service, Kaloko-Honokohau National Historical Park, for sewer pipeline purposes. The easement is scheduled to expire on February 13, 2013.

CHARACTER OF USE:

For sewer lines:

Right, privilege and authority to construct, use, maintain, repair, replace and remove sewer transmission pipeline over, under and across State-owned land.

COMMENCEMENT DATE:

February 14, 2013

CONSIDERATION:

Gratis

EASEMENT TERM:

Ten (10) years.

ANNUAL RENT:

Gratis

RENTAL REOPENINGS:

Not applicable.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The original project was covered under Federal guidelines, which does not require publication in OEQC's Environmental Notice. The United States Department of the Interior, National Park Service, has determined that there is a finding of no significant impact (FONSI) on the environment. If further compliance with Chapter 343 is required, the United States Department of the Interior, National Park Service, shall be solely

responsible for satisfying said requirements.

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." **(Exhibit B)**

DCCA VERIFICATION:

Not applicable.

The Applicant as a federal government agency and is not required to register with DCCA.

REMARKS:

At its meeting of February 14, 2003, under agenda item D-7, the Board of Land and Natural Resources approved Grant of a 10-year term, Non-Exclusive Easement to the KHNHP for sewer line purposes.

By letter dated July 27, 2011, Ms. Kathy Billings, Park Superintendent, requested a 10-year extension to Grant of Easement No. S-5676. The County of Hawaii recently notified KHNHP that it has not received funding to expand its sewer system as planned, and therefore will not be installing the permanent sewer line hook-ups as scheduled. As a result, the National Park Service is now requesting a ten (10) year extension of the existing easement.

The sewer line, although originally intended to be only temporary, is now required for at least another ten-years, or until the County can obtain funding for its proposed plans to expand its sewer system. As described in the grant of easement document, the ten-foot wide sewer easement corridor is for a four-inch, high-density polyethylene plastic sewer forcemain to service restroom facilities within the KHNHP property. The Land Use Commission has determined that the sewer pipeline alignment is not within the Conservation District, but under the urban use classification. The temporary sewer pipeline will be removed once the county can install the permanent hook-ups.

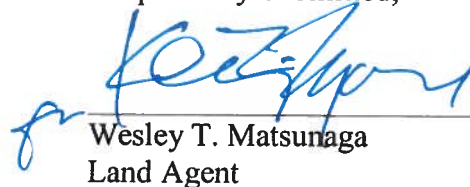
KHNHP has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Although there will be no new disposition or change in land use, the Division of Boating and Ocean Recreation (DOBOR) was solicited for comment concerning the extension of the easement term. Nancy Murphy, Hawaii District Manager, DOBOR, indicated that they have no objections to the request.


RECOMMENDATION: That the Board:

1. Authorize a 10-year term extension of Grant of Easement No. S-5676 to KHNHP covering the subject area for sewer line purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current extension of term easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson





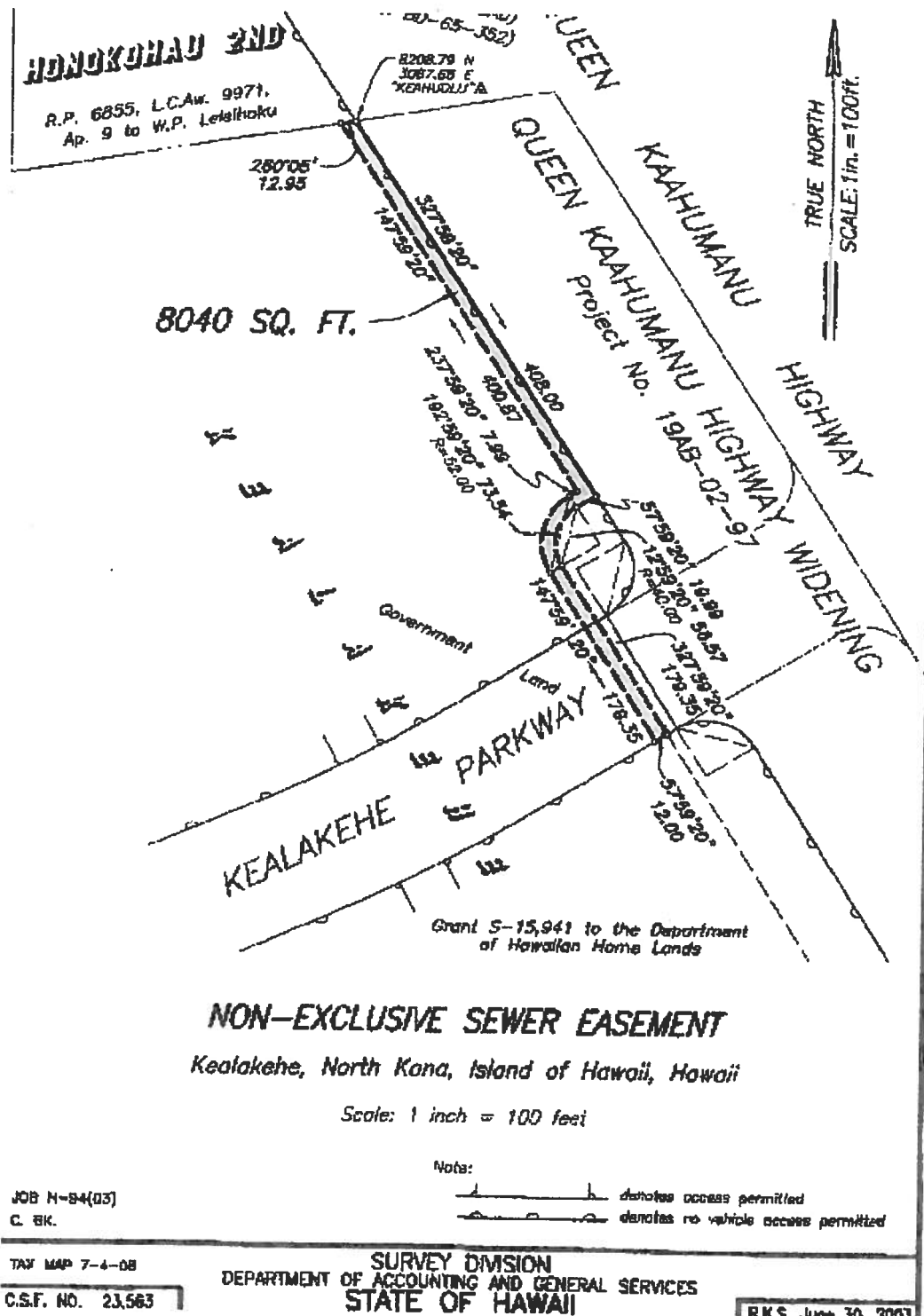


EXHIBIT A



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 8, 2013

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR.

Project Title:	Term Extension for Grant of Easement No. S-5676, United States Department of the Interior, National Park Service, Kaloko-Honokohau National Historical Park (KHNHP) for Sewer Easement Purposes, Kealakehe, North Kona, Hawaii, Tax Map Key: (3) 7-4-008: portion of 003.
Project / Reference No.:	Grant of Easement No. S-5676
Project Location:	Kaloko-Honokohau, Kealakehe, North Kona, Hawaii, Tax Map Key: (3) 7-4-008: portion of 003.
Project Description:	Term Extension of Grant of Easement No. S-5676.
Chap. 343 Trigger(s):	Use of State land.
Exemption Class No. and Description:	<p>In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to:</p> <p>Exemption Class No. 1, which states, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." and</p> <p>Exemption Class No. 4, which states, "Minor alterations in the conditions of land, water or vegetation."</p>
Exemption Item Description from Agency Exemption List:	Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

Recommendation:

It is recommended that the Land Board find that the above request is exempt from Chapter 343, HRS, as it will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment. The subject site has been in continued use since February 2003. The original project was covered under Federal guidelines, which does not require publication in OEQC's Environmental Notice. The U. S. Department of the Interior, National Park Service, has determined that there is a finding of no significant impact (FONSI) on the environment. If further compliance with Chapter 343 is required, the U.S. Department of the Interior, National Park Service, shall be solely responsible for satisfying said requirements. The continued use of the easement will involve negligible or no expansion or change of use beyond that previously existing.



William J. Aila, Jr., Chairperson

1/22/13

Date

EXHIBIT B